



City of Pullman
Public Works Division
MEMORANDUM

TO: Karen Diniola, Washington Department of Ecology
FROM: Kevin Gardes, P.E., Deputy Public Works Director
RE: Comments on *Preliminary Draft Phase II Permit for Eastern Washington*
DATE: October 13, 2005

General: As a general comment, the draft permit should resemble the model program and not be embellished with additional items not required in the federal CWA. Our concern is that while the level and effort of compliance is detailed fairly well it is excessive and very costly. The State requirements should not require more than the CWA and should be streamlined.

We also feel that DOE needs to be adequately staffed with trained personnel capable of reviewing and approving any submittals for NPDES permits.

1. Subsection S4, paragraph C: This paragraph contains the following sentence “New stormwater discharges authorized or allowed by the Permittee shall not cause or contribute to a violation of applicable standards.” This sentence (and other similar ones found in the draft permit) seems problematic. It requires the jurisdiction to make a technical certification of a DOE suggested BMP. In our opinion, requiring the appropriate BMP from an approved Manual should be sufficient. No certification should be required. There is very little data available that would allow a calculation of a BMP’s effect on a particular water quality parameter output with any degree of certainty. The other issue is that the sentence seems to move us away from a technology (BMP) based permit to a standards based permit, which we feel is unacceptable and unwieldy. The permit later goes on to say that “Project proponents may apply the technical standards referenced in paragraph S4.C.1, above as a means of achieving compliance” What we would like this subsection to say primarily is that application of the technical standards is sufficient for compliance. If the technical standards are not used then the jurisdiction (and project proponent) will have to certify that the discharge will not cause or contribute to a violation of applicable standards. This may seem like a small point, but we feel it is important.
2. Subsection S5, paragraph B.3.b.iii: The first sentence states “The following types of non-stormwater discharges are not allowed in the MS4 and must also be prohibited through an ordinance” The list includes individual residential car washing, lawn watering, etc. It goes on to say that enforcement and actions are not required if the discharge has not been identified as a significant contributor. To us this seems backwards, and I might say contradictory to what the CWA requires. These items should only be prohibited through ordinance if they are determined to be a significant contributor of pollutants to stormwater. Another prohibited discharge is foundation and footing drains. Pullman’s City Code (10.16.040) specifically prohibits these

drains from being connected to the sanitary sewer system, because of infiltration and inflow problems. This is another reason to only prohibit these discharges if they are determined to be a problem. Furthermore, in subsection 4.1.1 of the Model program it says “The following list of non-stormwater discharges only need to be addressed if the Phase II community identifies them as significant contributors of pollutants ..” and “For the above-cited non-stormwater discharges, Ecology’s presumption is that these discharges are not impairing water quality”. Part of any program’s success is getting buy-in from the general public and elected officials. This paragraph, as written, makes it much more difficult to get buy-in.

3. Subsection S5, paragraph B.3.c.vi: It is DOE’s responsibility to identify facilities needing NPDES permits not individual jurisdictions. This subparagraph should be removed from the draft permit.
4. Subsection S5, paragraph B.4: The Construction Site Stormwater Runoff Control subsection is duplicative of DOE’s effort with the General Stormwater NPDES permit. Duplication of efforts is a waste of taxpayers money, therefore this element of the stormwater program should stay with DOE. If it does not stay entirely with DOE and is also required by the jurisdiction then under paragraph a., the permittee has two years to develop and adopt an ordinance that require erosion and sediment controls (Pullman already has this requirement under our design standards). But under paragraph b., the permittee is given five years (end of Permit) to adopt site plan review procedures and incorporate consideration of potential water quality impacts. We don’t see the need to adopt an ordinance until the site plan review procedures are required, which is the expiration date of the Permit. We request that the ordinance requirement be given the full Permit term before compliance is required.
5. Subsection S8, paragraph A.2.b: BMP appropriateness should be determined by DOE not individual jurisdictions. DOE should not attempt to conduct research on BMP effectiveness on the backs of permittees. This subparagraph should be removed from the draft permit.
6. Appendix 2, Partial Exemptions: The first bullet item should be rewritten to exclude removing and replacing a concrete or asphalt roadway to “base course”. This practice should be included under the Exemptions subsection. There is little to no erosion risk from a pavement rehabilitation project that does not expose bare soil.

Please consider our comments and the costs involved with compliance. The State should not be asking municipalities to do more than the Clean Water Act requires.